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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Subin George

Serial No. 10/086,167

Filed: February 28, 2002

For: **SYSTEM AND METHOD FOR
INHIBITING READS TO
NON-GUARANTEED DATA IN
REMAPPED PORTIONS OF A
STORAGE MEDIUM**

§ Group Art Unit: 2114

§ Examiner: Contino, Paul F.

§ Atty. Dkt. No.: 5681-09700
§ P6869

**CERTIFICATE OF MAILING
37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Robert C. Kowert
Name of Registered Representative

June 28, 2005
Date

Signature

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Further to the Notice of Appeal filed April 28, 2005, Appellant presents this Appeal Brief. Appellant respectfully requests that this appeal be considered by the Board of Patent Appeals and Interferences.

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10/086,167 (5681-09700/P6869)

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Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.

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01 FC:1252 450.00 DA

Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As set forth above, Schibilla clearly fails to meet this standard, and Appellant therefore submits that claim 12 is not anticipated by Schibilla. Appellant notes that the above arguments also apply to claim 18, which recites limitations directed to a non-read list that are similar to those of claim 12. Appellant therefore submits that claim 18 is also not anticipated by Schibilla.

VIII. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 12-14 and 17-24 was erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge the appeal brief fee of \$500.00 and any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-09700/RCK. This Appeal Brief is submitted with a return receipt postcard.

Respectfully submitted,



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